

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THEODORE STEVENS,

Plaintiff

Case No. 3:20-cv-00248-MMD-WGC

ORDER

v.

TARA CARPENTER, *et al.*,

Defendants

Plaintiff previously submitted a civil rights complaint under 42 U.S.C. § 1983 but did not submit an application to proceed *in forma pauperis* or pay the full filing fee for a civil action. (ECF Nos. 1, 1-1.) The Court ordered Plaintiff to file an application to proceed *in forma pauperis* or pay the full filing fee by June 26, 2020. (ECF No. 3.) Instead of filing an application or paying the filing fee, Plaintiff filed a motion to withdraw the complaint (ECF No. 4). Because the Court has not yet screened the complaint, the Court will dismiss the case without prejudice.

The Court construes the motion to withdraw complaint (ECF No. 4) as a motion to voluntarily dismiss the case. Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

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1 It is therefore ordered that the motion to withdraw complaint (ECF No. 4) is
2 construed as a motion for voluntary dismissal and is granted.

3 It is further ordered that this action is dismissed in its entirety without prejudice.

4 It is further ordered that the Clerk of the Court will enter judgment accordingly and
5 close this case.

6 DATED THIS 25th day of June 2020.

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10 MIRANDA M. DU
11 CHIEF UNITED STATES DISTRICT JUDGE
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